



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,911	10/29/2003	Miguel Castellote	13621-7us PTN/df	4529

20988 7590 07/22/2005  
OGILVY RENAULT LLP  
1981 MCGILL COLLEGE AVENUE  
SUITE 1600  
MONTREAL, QC H3A2Y3  
CANADA

EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/694,911

Applicant(s)

CASTELLOTE, MIGUEL

Examiner

Robert J. Sandy

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 9-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06 May 2005. Applicant's reply also included the cancellation of claims 19-24 and addition of new claim 25. Claims 1-18 and 25 are pending.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent No. 2,366,965). Johnson ('965) discloses a fastener (see Fig. 1-14), comprising a hollow body adapted to extend through a hole and securing means (see Fig. 14) provided for anchoring said fastener in the hole and for retaining together the layers (1, 2);

(concerning claim 2) said securing means comprise enlarged distal and proximal elements (head C, end portion B) provided at opposed ends of said hollow body and adapted to be disposed against inner visible and outer hidden surfaces of the shell;

(concerning claim 3) said proximal element includes a decorative head at least partly overlying the visible surface of the shell;

(concerning claim 4) said hollow body comprises a tubular member (e.g., stem H) and said proximal element includes a head C) provided at a proximal end of said tubular member, said distal element comprising a deformable element adapted to be displaced from an insertion position to an anchoring position, wherein during installation said deformable element in said insertion position is inserted through the hole and, with said tubular member extending in the hole, is then deformed to said anchoring position, whereby when said deformable element is in said anchoring position, said head at least partly overlies the visible surface of the shell;

Art Unit: 3677

(concerning claim 5) the anchoring position, said deformed element has transverse dimensions greater than those of the hole and is located against the hidden surface of the shell, whereby said tubular member is securely held in position in the hole by said head and by said deformed element provided at opposed ends of said tubular member with the layers of the shell being imprisoned between said head and said deformed element;

(concerning claim 6) the head is provided with a decorative surface (surface of C) at least on a visible portion thereof, said visible portion being opposite a hidden portion of said head adapted to contact part of the visible surface of the shell;

(concerning claim 7) the visible portion of said head is generally rounded so as to avoid forming any sharp edge when installed; and

(concerning claim 25) a periphery of the hollow body cooperates with a periphery of the at least one hole such that the hollow body is captive in the at least one hole.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson ('965) in view of Walsh (U.S. Patent No. 4,259,890). Johnson (965) discloses the claimed fastener except for wherein the tubular member has at least one longitudinal slot extending through the deformable element between the insertion position and the anchoring position. Walsh ('890) teach an analogous fastener having at least one longitudinal slot (26, 72, or 94) extending through it's deformable element between an insertion position and an anchoring position of the fastener. It would have been obvious to one of ordinary skill in the art to have provided the tubular member of Johnson's fastener with at least one longitudinal slot extending through the deformable element between the insertion position and the anchoring position, since Walsh

Art Unit: 3677

describes in col. 4, lines 23-34, that having the slots allows segments 28 to contract for removal of the anchor, thereby modifying the fastener of Johnson to be removable.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ROBERT J. SANDY  
PRIMARY EXAMINER

Robert J. Sandy  
Primary Examiner  
Art Unit 3677